THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO.17015 OF 2005.

DATED: 08-08-2005.

Between

Velavalapalli Rama Rao son of Chinna

Kameswara Rao, Hindu,agriculturist

R/o Bheemunipatnam, Visakhapatnam dist.

...Petitioner

And

1.The Revenue Divisional Officer,

Visakhapatnam and 2 others

...Respondents

ORDER

This writ petition is filed challenging the action of the first respondent in cancelling the entries made in the petitioner's pattadar pass books and to set aside the same.

The case of the petitioner is that he is the absolute owner of Ac.3.17 cts of land in S.No40/2, Ac.2.66 cts of land in S.No.44/3 and Ac.3.48 cts of land in S.No.44/4 which devolved upon him as he is the only legal heir of Smt.N.Suridamma, his grand mother who executed a will in his favour on 08-02-1983 and since then he has been in possession and enjoyment of the said land. Thereafter, he made an application to the 2nd respondent to enter his name in the pass books in respect of lands and accordingly, the 2nd respondent

incorporated the same in the pattadar pass books and in Revenue records. While so, the 3rd respondent who has no claim made a false allegation before the 2nd respondent on 06-07-2004 about the entries made in the registers. After due enquiry, the 2nd respondent rejected the claim of the 3rd respondent holding that the 3rd respondent has no right, title and ownership over the lands in question. Thereafter, the 3rd respondent preferred an appeal before the 1st respondent on 21-04-2005. The 1st respondent has drawn unnecessary inferences and cancelled the entries made in the pattadar pass books of the petitioner issued by the 2nd respondent. Hence the writ petition.

There is no dispute of the fact that the petitioner is the absolute owner of Ac.3.17 cts of land in S.No40/2, Ac.2.66 cts of land in S.No.44/3 and Ac.3.48 cts of land in S.No.44/4 which devolved upon him as he is the only legal heir of Smt.N.Suridamma, his grand mother who executed a will in his favour on 08-02-1983 and since then he has been in possession and enjoyment of the said land. Thereafter, he made an application to the 2nd respondent to enter his name in the pass books in respect of lands and accordingly, the 2nd respondent incorporated the same in the pattadar pass books and in Revenue records and also about the claim and appeal made by the 3rd respondent whereunder the 1st respondent cancelled the entries. However, it is submitted by the learned counsel for the petitioner that the petitioner has filed a revision before the respondents and it is pending. In view of the same, it would suffice in the interest of justice to direct the respondents to dispose of the revision at the earliest.

Accordingly, the writ petition is disposed of directing the respondents to dispose of the revision, dated 25-07-2005, filed by the petitioner within a period of 12 weeks from the date of receipt of copy of this order. However, it is needless to observe that till such time, the respondents are directed not to interfere with the peaceful possession and enjoyment of the petitioner over the lands. No costs.

08-08-2005

Hsd